

MEETING MINUTES OF THE UTAH STATE BOARD OF EDUCATION

December 8-9, 2016

STUDY SESSION - December 8, 2016

A study session of the Utah State Board of Education was held December 8, 2016 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah.

Board Members present included: Dixie Allen, Laura Belnap, Barbara Corry, David Crandall, Brittney Cummins, Linda Hansen, Mark Huntsman, Jennifer Johnson, Jefferson Moss, David Thomas, Terryl Warner, and Joel Wright (by phone).

Others present included: Sydney Dickson, Scott Jones, Angie Stallings, Rich Nye, Debbie Davis, Lorraine Austin, Keith Lawrence—Board staff; Assistant Attorneys General Bryan Quesenberry and David Thomas; Lisa Cummins, Michelle Boulter, Kathleen Riebe, Jennifer Graviet, Carol Lear—State Board members-elect; Nathan Brady, Office of Legislative Research and General Counsel; Ryan Thelin, Office of Legislative Auditor General; Jeremy Franklin; Rich Young, Pearson; Mark McNiel, Measured Progress; Tina Smith, Utah Association of Public Charter Schools.

Call to Order

Vice Chair Jennifer Johnson called the meeting to order at 3:30 p.m. Board members-elect Kathleen Riebe, Jennifer Graviet, Carol Lear, Lisa Cummins and Michelle Boulter were welcomed.

Student Data Privacy

Deputy Superintendent Angie Stallings, Chief Privacy Officer Whitney Phillips, UDA Grant Manager Albert Tay, and Deputy Superintendent Rich Nye were introduced.

Ms. Phillips reviewed the history of the Family Education Rights and Privacy Act (FERPA). She also reviewed a plan to meet the requirements outlined in H.B. 358 *Student Data*

Protection Act for the Board and local education agencies. Ms. Phillips presented legislative options and distributed and reviewed information on HB 358 current funding.

Dr. Albert Tay gave a presentation on the Statewide Longitudinal Data System. In Utah the SLDS is called the Utah Data Alliance. He reported that UDA works very closely with the U.S. Department of Education and other staff to ensure the Alliance is in compliance. Data security is one of its biggest concerns and priorities.

Laura Hunter from the Utah Education Network gave an overview of the Utah Futures program and data privacy issues. She assured the Board that Utah Futures takes student data and privacy very seriously and has been working on FERPA and the new state privacy law diligently.

Deputy Superintendent Stallings noted that an internal privacy team has been organized, including Assistant Attorney General Dave Thomas.

[For additional details, see General Exhibit No. 16-556.]

Adjournment

The meeting adjourned at 5:14 p.m.

Following the meeting the Board met as the Governing Board for the Utah Schools for the Deaf and the Blind, then met in standing committees.

BOARD MEETING - December 9, 2016

A regular session of the Utah State Board of Education was held December 9, 2016 at the Utah State Board of Education Building, 250 East 500 South, Salt Lake City, Utah.

Chair David L. Crandall conducted.

Board Members Present:

Chair David L. Crandall

1st Vice Chair David L. Thomas

2nd Vice Chair Jennifer A. Johnson

Member Dixie Allen

Member Laura Belnap

Member Leslie B. Castle

Member Barbara Corry

Member Brittney Cummins

Member Linda B. Hansen

Member Mark Huntsman

Member Jefferson Moss

Member Spencer F. Stokes

Member Terryl Warner

Member Joel Wright

Board Members Excused:

Member Stan Lockhart

Executive and Board Staff Present:

Sydnee Dickson, State Superintendent

Scott Jones, Deputy Supt.

Rich Nye, Deputy Supt.

Angie Stallings, Deputy Supt.

Patty Norman, Assistant Supt.

Lorraine Austin, Board Secretary

Debbie Davis, Internal Audit Director

Emilie Wheeler, Board Communications

Specialist

Bryan Quesenberry, Assistant Attorney

General

David Thomas, Assistant Attorney General

Mike Bell, Assistant Attorney General

Others Present:

Lydia Nuttall, Operation Elevation; Chris Godfrey, Utah School Employees Association; Jay Blain, Utah Education Association; Carl Boyington, Utah Association of Secondary School Principals; Terry Shoemaker, Utah School Superintendents Association/School Boards Association; Pamela Gee, Utah Festival Opera and Musical Theater; Haylee Harkness, Mackenzie Bishop, Naiana Produlock, Katie Water, Brittany McComb, Elena Boyer, Isabelle Anderson, Erin Runhaar, Bailey Runhaar, Jay Walker, Lilly Champagne, Caden Broderick, Aunalee Parker, Kylee Hart—Mount Logan Middle School; Bruce Northcott, Daggett School District; Calvin White, Department of Diné Education; Brad Cummings, Department of Administrative Services; Allison Nicholson, Utah Education Policy Center; Michelle Boulter, Scott Neilson, Jennifer Graviat, Carol Lear, Janet Cannon, Kathleen Riebe, Lisa Cummins, Alisa Ellis—State Board member-elect; Allyson Goldstein, Office of Legislative Research and General Counsel.

Call to Order

Chair David Crandall called the meeting to order at 8:00 a.m.

Executive Session

MOTION was made by Vice Chair Johnson and seconded that the Board move into Executive Session for the purpose of discussing pending or reasonably imminent litigation.

Upon voice vote of members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Moss, Stokes, Thomas and Warner the Board moved into closed Executive Session at 8:04 a.m.

Those present in Executive Session included Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Moss, Stokes, Thomas, and Warner; and Scott Jones, Lorraine Austin, Emilie Wheeler, Bryan Quesenberry, AAG Dave Thomas, and AAG David Wolf.

MOTION was made by Vice Chair Johnson and seconded by Vice Chair Thomas that the Board come out of Executive Session.

Motion carried. The Board convened in open session at 9:13 a.m.

MOTION was made by Member Belnap and seconded by Member Hansen that the Board move into Executive Session for the purpose of discussing the character, professional competence, or physical or mental health of individuals.

Upon voice vote of Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Moss, Stokes, Thomas and Warner, the Board moved back into Executive Session at 9:14 a.m.

Those present in Executive Session included Members Allen, Belnap, Castle, Corry, Crandall, Cummins, Hansen, Huntsman, Johnson, Moss, Stokes, Thomas, and Warner; and Sydnee Dickson, Scott Jones, Angie Stallings, Ben Rasmussen, Emilie Wheeler, AAG David Thomas, AAG Bryan Quesenberry, and Whitney Phillips.

MOTION was made by Member Huntsman and seconded by Member Belnap that the Board come out of Executive Session.

Motion carried. The Board reconvened in open session at 9:40 a.m.

Call to Order

Chair Crandall called the meeting to order at 9:45 a.m. Member Barbara Corry led those present in the Pledge of Allegiance.

Public Comment

Mike Owens - distributed and read information on criminal defamation. He was requested to bring any future challenges to the Board's attorney.

Sara Jones, Utah Education Association - expressed appreciation for the work the Board has done these past few years. UEA recognizes the extraordinary time, effort and study it takes to be a Board member and Board members' sincere commitment to serving Utah students and educators. UEA has appreciated the opportunities to engage in collaborative discussions in formulating public policy and looks forward to continuing dialogue in the coming year.

Lydia Nuttall - reported that she just submitted *Forgotten American Stories Celebrating America's Constitution* for review by the State Instructional Materials Commission for consideration as an approved text for Utah public educators to use in various areas. She reported that two copies of the stories are in every state in the Union, and encouraged Board members to read their copies and approve the curriculum.

Carl Boyington, Executive Director, Utah Association of Elementary School Principals - expressed concerns about R277-409 including that the purpose of the rule is to place limitations. Another concern is that many times the rule directs that the associations should make rule and policy, which is consistent with what the Utah High School Activities Association already does. However, with the transfer rule the Board directs that associations should not make rule and policy and it appears the Board is micro-managing in this instance. The last concern is regarding the appeal process, as there are already three levels of appeal in place. The Principals Association feels that to set up an additional appeal at the State Board level is excessive.

Kalvin White, Navajo Nation, Department of Diné Education - indicated he looks forward to working with this prestigious board and staff. On September 29, 2016 the Navajo

Nation, U.S. Department of the Interior, and U.S. Department of Education signed the New School Accountability Plan. This is the first accountability plan that a sovereign tribe has submitted. The Navajo Nation is reaching out to all state departments of education and looking for opportunities to work with each state. They will be contacting Utah State Board of Education staff. Dr. White asked for the Board's support.

Barry Hecker - a written letter was submitted for the record.

Opening Business

Introduction of New Employees

H.R. Director Dave Rodemack introduced new employees Hemalatha Thirunavukkarasu, Lacie Jonas, and Dana Powers. Mr. Rodemack announced that Dana Powers will be taking his place as H.R. Director as he will be going to Public Safety. He expressed that he has enjoyed very much working with the Board.

Board Welcome Message

Member Terryl Warner gave the welcome message. She expressed concern that there isn't enough positive said about public education and focused her comments on positive things that are happening: Eight students received a perfect score on the ACT this year, and she highlighted Aaron Jackson from Corner Canyon High School. Member Warner also highlighted the four 2016 Utah Presidential Scholars—MaKayla Hendricks, Bountiful High School; Aubree Oliverson, Mountain Heights High School; Jennifer Ban, Logan High School; and Anthony Cheng, Hillcrest High School. There are thousands of students that are successful in this state.

Member Warner also talked about the POPS program, specifically about Opera by Children. She invited students from Mt. Logan Middle School to the meeting, and they sang "Zombies on a Train" for the Board.

Acknowledgment of Student Artwork

Fine Arts Specialist Cathy Jensen informed the Board about the artwork in the Board room from Bennion Elementary, Syracuse Arts Academy, Lone Peak Elementary School.

She mentioned that the children's artwork that will be given to the outgoing board members is from Helen M. Knight Elementary in the Grand County School District in Moab.

Outgoing Board Member Recognition

Outgoing Board members Dixie Allen, Leslie Castle, Barbara Corry, David Crandall, Jennifer Johnson, Jefferson Moss, and David Thomas were presented with the traditional bells and given original art work from Utah students. Chair Crandall was also presented with a gavel. Each member was invited to speak.

Dixie Allen noted that she has served on the Board for 14 years and has spent her career working in public education and stated that public education is one of the most important things in helping our nation be the best. Nothing is more exciting than working with children.

Leslie Castle recognized the wonderful team of staff who are dedicated, courageous and wise. She expressed how honored she feels to have served on this Board.

Barbara Corry expressed gratitude for the interesting and marvelous experience and appreciation for the people with which she has served. She expressed her love for education and the people that are so willing to dedicate their lives to helping children and making lives better.

Jefferson Moss expressed that it has been an honor to serve on the Board and that it has been humbling and fulfilling. He considers those that are leaving the Board as some of his dearest friends, and his thoughts are turned to Mark Openshaw and his impact that will be felt for a long time. On behalf of his children that are in the public school system he gave thanks to staff, the Board's team, and the great teachers in the state.

Jennifer Johnson thanked those who have gone before that have provided the system and the voices from the public. She celebrates the ability to have public discourse and to express opinions so freely. She thanked her fellow elected officials and voiced that she is so impressed by the amount of work they have done and know they care very deeply about the mission of public education in Utah. She thanked the teachers, volunteers and students.

David Thomas voiced that he has always been about reforming things to make them better and expressed that he is proud of how the Board has transformed. He is grateful for the changes the Board has made to upgrade public education and how those changes will affect all within the system. He expressed gratitude for the opportunity to make a difference.

David Crandall expressed that as he has listened to the thoughts of his colleagues the feeling of gratitude is overwhelming. He thanked his fellow board members and staff and expressed his appreciation for the long hours and hard work. He noted that in traveling throughout the state he has seen the efforts that are being done by schools and teachers on the front lines in the classrooms every day, and it is heartwarming. There are wonderful things happening. Chair Crandall gave additional thanks to his vice chairs.

General Consent Calendar

MOTION was made by Vice Chair Johnson and seconded by Member Allen that the Board approve the General Consent Calendar.

Member Warner requested that R277-409 be pulled. Without objection, the rule was moved off the Consent Calendar.

Member Cummins requested the ACT contract be taken off the Calendar, and without objection it was removed.

Member Warner requested that the Shmoop University contract be taken off the Calendar, and without objection it was removed.

Motion to approve the Consent Calendar as amended carried, with Member Johnson absent.

General Consent Calendar

1. Approval of Minutes

The Board approved the minutes of its March 18, 2016 meeting, as amended, and its November 3-4, 2016 meetings. [For additional details, see General Exhibit No. 16-557.]

2. Contracts over \$100,000

The Board approved the following interagency agreement: High Quality School Readiness Program Expansions (HQSR-E), Department of Workforce Services and Utah State Board of Education. [For additional details, see General Exhibit No. 16-558.]

3. Contracts under \$100,000

The report of contracts under \$100,000 approved by the State Superintendent was provided for Board review. [For additional details, see General Exhibit No. 16-558.]

4. Grants

The Board approved the Child Nutrition Technology Innovation Grant to update CNPWeb. [For additional details, see General Exhibit No. 16-559.]

5. Federal-State Agreement for Child Nutrition and Food Distribution Programs

The Board approved the agreement between the Board, Food and Nutrition Services, and U.S. Department of Agriculture for administering the child nutrition programs and the food distribution programs for the state of Utah. [For additional details, see General Exhibit No. 16-560.]

6. Fall Instructional Materials

The Board adopted the recommendations of the Utah Instructional Materials Commission to approve 1001 records of titles of instructional materials, accept bids received from the publishers, and direct staff to award contracts to the publishers to provide instructional materials to Utah schools. [For additional details, see General Exhibit No. 16-561.]

7. Approval of Rules

The Board approved the following rules on third and final reading: R277-212 *UPPAC Hearing Procedures and Reports* [amendment]; R277-106 *UPPAC Appointment Process* [amendment and continuation]; R277-210 *Utah Professional Practices Advisory Commission (UPPAC)* [amendment]; R277-526 *Paraeducator to Teacher Scholarship Program* [amendment and continuation]; R277-425 *Budgeting, Accounting, and Auditing for Utah Local Education Agencies* [repeal]; R277-602 *Special Needs Scholarship--Funding and Procedures* [amendment]; R277-752 *Special Education Intensive Needs Fund Formula* [new rule]; R277-211-6 *Utah Professional Practices Advisory Commission (UPPAC), Rule of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions--Proposed Consent to Discipline*

[amendment]; R277-521 *National Board Certification Reimbursement* [new rule]; R277-113 *LEA Fiscal Policies and Accountability* [amendment].

R277-409 was removed for further discussion.

[For additional details, see General Exhibit No. 16-562.]

8. Requests for Temporary Authorizations

The Board approved temporary authorizations for licenses as requested by schools districts and charter schools. [For additional details, see General Exhibit No. 16-563.]

9. Educator Licenses Processed

The Board was provided with summaries of the total number of licenses and license areas processed in October 2016. [For additional details, see General Exhibit No. 16-564.]

10. USBE Memberships

The Board was provided with a list of agency memberships. [For additional details, see General Exhibit No. 16-565.]

11. National Youth Tobacco and Risk and Risk Behavior Surveys

The Board was provided with information concerning two school-based surveys that will be conducted in the 2016-17 school year by the U.S. Centers for Disease Control and Prevention. [For additional details, see General Exhibit No. 16-566.]

Shmoop and ACT Contracts

Deputy Superintendent Scott Jones distributed additional information on the contracts. Deputy Superintendent Nye informed that statute requires ACT prep and the legislature appropriated money for that purpose. Shmoop currently serves that purpose. Member Hansen noted that there is ACT prep that is free on the Utah Futures website and suggested that the money appropriated could repurposed in the future. The Board was informed that in order to use the money for another purpose it would have to be reappropriated by the legislature.

Member Cummins reported that the Shmoop contract dovetails with the ACT contract and indicated that the ACT contract is for three years, but some of the accommodations requested have not been made. She suggested the Board sign a one-year contract to determine whether ACT will make the accommodations. Deputy Superintendent Jones informed that a three-year contract was solicited, but there is a clause that the Board can cancel after one year.

MOTION was made by Vice Chair Johnson and seconded by Member Cummins that the Board approve the ACT contract with the understanding that ACT needs to improve accommodations in the first year, and the assurance that a clause allowing opting out of the contract after year one is included.

Motion carried unanimously.

MOTION was made by Member Warner and seconded by Vice Chair Johnson that the Board approve the Shmoop contract and that the Board work with the legislature to consider whether the funds used for the contract could be repurposed.

Motion carried unanimously.

R277-409 Public School Membership in Associations

Member Wright indicated he has had extensive discussions on the rule and will be voting in favor. He expressed that currently charters and districts are required to have an annual financial audit and he is alarmed when an entity indicates they don't need a financial audit.

MOTION was made by Vice Chair Johnson and seconded by Member Stokes that the Board approve R277-409, as amended, on third and final reading.

Motion to amend was made by Member Warner and seconded that R277-409-4 subsection 1 and 2 be removed and subsection 3 be modified to remove the verbiage, "notwithstanding subsection 2 and subsection 3."

Motion to amend failed, with Members Belnap, Corry, Cummins, Hansen, Huntsman, Warner in favor and Members Allen, Castle, Crandall, Johnson, Moss, Stokes, Thomas and Wright opposed.

Motion carried, with Members Allen, Castle, Crandall, Cummins, Johnson, Moss, Stokes, Thomas and Wright in favor, and Members Belnap, Corry, Hansen, Huntsman and Warner opposed. [For additional details, see General Exhibit No. 16-567.]

Executive Session Items for Action

Licensing Actions

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board accept the stipulated agreement in Utah Professional Practices Advisory Commission (UPPAC) Case No. 15-1301, and suspend the individual's Level 1 Elementary Education License for no less than five years.

Motion carried.

MOTION was made by Member Stokes and seconded by Member Corry that the Board accept the hearing report in UPPAC Case No. 15-1302 and suspend the individual's Level 2 Secondary Education License for a period of no less than one year from the date of Board action.

Motion carried, with Members Cummins and Johnson opposed.

MOTION was made by Member Stokes and seconded by Member Huntsman that the Board adopt the default order in UPPAC Case No. 15-1289 and permanently revoke the individual's Level 2 Secondary Education License.

Motion carried.

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board accept the UPPAC recommendation in Case No. 15-1286 and issue a letter of reprimand on the educator's Level 2 Special Education License to be in place for no less than two years from the date of Board action.

Motion carried, with Members Belnap and Johnson opposed.

MOTION was made by Member Stokes and seconded by Member Corry that the Board grant the educator's request in UPPAC Case No. 11-997 to remove the reprimand flag from the CACTUS file.

Motion carried, with Member Johnson opposed.

MOTION was made by Member Stokes and seconded by Member Corry that the Board grant the educator's request in UPPAC Case No. 16-KP and remove the reprimand flag from the CACTUS file.

Motion carried, with Member Johnson opposed.

[For additional details, see General Exhibit No. 16-568.]

UPPAC Consent Calendar

MOTION was made by Member Stokes and seconded by Vice Chair Thomas that the Board adopt the UPPAC Consent Calendar.

Motion carried. [For additional details, see General Exhibit No. 16-569.]

Appointments

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board appoint the following to the Student Data Privacy Governance Group: Whitney Phillips, Aaron Brough, Assistant Attorney General David Thomas, Ben Rasmussen, and Jared Hill; and to the Student Data Privacy User Group: Platte Neilson, Paul Lewis, Robert Dale, Holly Allen, Kevin Chapman, Jeremy Cox, and Whitney Phillips.

Motion carried.

MOTION was made by Member Stokes and seconded by Vice Chair Johnson that the Board appoint Rebecca K. Smith and Michelle Sanchez to the Utah Special Education Advisory Panel (USEAP).

Motion carried.

Charter School Task Force Report

Task Force Chair David Thomas reported on the work of the Charter School Task Force and recommendations from the Task Force.

MOTION was made by Vice Chair Thomas and seconded by Vice Chair Johnson that the Board accept the recommendations of the Charter School Task Force.

Recommendations are as follows:

1. Changes to Board Rule
 - a. Board rule should set up an application process applicable to all authorizers, including:
 - i. Minimum requirements for approval.
 - ii. Application to the authorizer.
 - iii. Evaluation of the application in accordance with Board rule by authorizer with technical assistance to applicants provided by the authorizer's staff.
 - iv. Approval, Approval with Conditions, or Denial by an Authorizer.
 - v. USBE consent to approval based on the authorizer's conformance with Board rule and statute.
 - b. Board rule should provide minimum requirements for future charter agreements between the authorizer and the charter school.
 - c. Board rule should provide that an amendment to a charter only need approval by the State Board if the amendment involves an increase in student enrollment or a student enrollment realignment by grade.
 - d. R277-481-3 should be amended to apply to all authorizers, not just the State Charter School Board.
 - e. Board rule should provide an annual review of each authorizer, including:
 - i. Review of whether authorizers are monitoring and enforcing compliance with statute, Board rule, and the charter agreement.
 - ii. A report to the Governor and the Legislature with recommendations from the Board in cases of continuing non-compliance.
 - f. Board rule should provide a process for authorizers to issue warnings, probation, and termination of charters, subject to appeal to the Utah State Board of Education, including:
 - i. Standards and due process authorizers should follow.
 - ii. Probationary terms established by the authorizer.
 - iii. Probationary terms would not be an amendment to the charter agreement.
 - iv. USBE review should employ an "abuse of discretion" standard.
 - v. The roles of USBE staff and the authorizer's staff in the closing of a charter school.
 - g. Board rule should be amended to provide that charter agreements be maintained by the authorizer and accessible to the public online on the authorizer's and charter school's web sites.
 - h. An authorizer may request that the Board interrupt distribution of funds or impose fines for failure of a charter school to comply with the Board rule or statute to gain compliance with authorizer directives.
 - i. Board rule should include conflict of interest rules applicable to charter schools.
 - j. Board rule should be amended to replace "board directives" with "board rule."

2. Legislative Changes

- a. The term, “meeting,” in Section 53A-1a-518 should be clarified to reflect that it means: “the portion of the meeting where the employment decision or conflict is discussed,” as opposed to the whole meeting.
- b. Authorizer statutes should be harmonized to establish for all authorizers and allow the Board to establish an application process for all authorizers by rule.
- c. Section 53A-1a-501 should be amended to contain the following language: “All charter authorizers, include the State Charter School Board, local school board and boards of trustees of a higher education institution, are required to develop and maintain chartering policies consistent with recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility. Such principles and standards shall be established by the State Board of Education and used to evaluate all charter authorizers annually.”
- d. Statute should clarify that the State Charter School Board is not a division of the Utah State Board of Education.
- e. Amend Section 53A-1a-501.7(1)(a) to clarify that consent of the State Superintendent of Public Instruction should not be required for the appointment of the Executive Director of the State Charter School Board.

3. Other recommended actions—The Utah State Board of Education and the State Charter School Board should enter into a memorandum of understanding to clarify the roles of Board staff and Charter School Board staff in budgeting and office sharing.

MOTION was made by Vice Chair Johnson that the question be divided so that each recommendation be voted on separately. Without objection the question was divided.

Motion on Recommendation 1 carried unanimously.

Board Members discussed Recommendation 2. Member Belnap suggested further legal review is needed to determine whether the actions would release the Board from liability.

Member Belnap moved and Member Hansen seconded that the Board postpone the motion on Recommendation 2 indefinitely.

Motion to postpone failed, with Members Belnap, Hansen, Huntsman, and Warner in favor and all others opposed.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Warner that section (d) be removed from Recommendation 2.

Motion to amend failed, with Members Allen, Belnap, Corry, Hansen, Huntsman, and Warner in favor, and Members Crandall, Cummins, Johnson, Moss, Stokes, Thomas, and Wright opposed; Member Castle absent.

Motion to accept Recommendation 2 carried, with Members Allen, Castle, Corry, Crandall, Cummins, Johnson, Moss, Stokes, Thomas and Wright in favor, and Members Belnap, Hansen, Huntsman and Warner opposed.

Motion to accept Recommendation 3 carried unanimously.

[For additional details, see General Exhibit No. 16-570.]

Monthly Budget Report

Deputy Superintendent Scott Jones reviewed the assessment and mineral lease budgets. He reported that an estimate of \$1.5 million for mineral lease has been given. The Board budgeted \$1.3 million, which pays for payroll for positions and current expenses. Once the estimate was received the Board has made a concerted effort to move funded positions out of that source, but there are still some positions using this funding. He reminded the Board that even though \$1.5 million is incoming, the Board voted to use the carryforward from last year and additional carryforward for regional service centers.

Deputy Superintendent Jones reviewed the timeline for the office transitioning to the FINET system. A valid and concerted effort is being made to get four aspects of the Board's financial systems into FINET.

Superintendent Jones also reviewed the discretionary fund.

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that the Board set aside \$1 million from statewide for the ERP.

Motion carried.

[For additional details, see General Exhibit No. 16-571.]

Utah Division of Occupational and Professional Licensing (DOPL) Interagency Agreement

Aaron Brough, Data and Statistics Coordinator, Whitney Phillips, Chief Privacy Officer, and Thalea Longhurst, Director of Career and Technical Education (CTE), reported on the proposed interagency agreement.

Ms. Phillips reported that as a requirement of the Perkins grant the Board is obligated to share data to track and monitor the effectiveness of the program with CTE. The agreement proposed today is for post-secondary matches. If post-secondary students are receiving a Perkins grant they also give consent to data matching to track them. The purpose of tracking is to determine whether the program is effective. There is currently no memorandum of understanding in place.

Ms. Phillips further reported concerns that the Perkins grant is disseminated and collected and monitored within the USBE Career and Technical Education section, which also manages the secondary program. Although social security numbers are not collected with secondary students, at the post-secondary level social security numbers are collected by the System of Higher Education (USHE) and Utah College of Applied Technology (UCAT). That information is given to USBE staff who provides it to DOPL.

Ms. Phillips outlined the following options regarding an agreement:

1. Maintain the status quo with no agreement in place, and do not share any data. The negative is that the Board will not have the data required by the Perkins grant to report federal funding so may be penalized.

2. Put a three-year interagency agreement in place that would allow for the continued practice of transferring adult social security numbers for matching purposes. The hope long term is that the Utah Data Alliance would serve as a neutral party to share that information.

3. Ask USHE and UCAT to go through another entity to match their data with DOPL and Department of Workforce Services. A consequence with this option is that USHE and UCAT are financially rewarded, and therefore, there would not be checks and balances for the data, which could hurt the accuracy and reliability of the data received. Also, this option would work for next year, but not this year.

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that the Board adopt the interagency agreement.

Motion carried.

[For additional details, see General Exhibit No. 16-572.]

Board Policy 1002 - Rulemaking Procedures

Deputy Superintendent Angie Stallings reviewed the proposed policy which would put in place a different process for bringing rules to the Board.

MOTION was made by Member Belnap and seconded by Member Hansen that the Board approve Board Policy 1002.

Motion carried; Members Castle and Johnson absent. [For additional details, see General Exhibit No. 16-573.]

Resolution on Principles for a New Accountability System

Deputy Superintendent Rich Nye gave background that at the time the Board's Accountability Task Force recommendations were presented to the Board, it was suggested there might need to be a resolution ahead of the legislative session to further emphasize the Board's position. The Education Interim Committee also adopted the recommendations which would give the Board a great deal of authority to establish in the rulemaking process the indicators and metrics and weighting of those. It appears there is now a greater push to have those elements codified, so a resolution has been prepared in response to the Board's initial suggestion. The resolution is largely based on the Task Force's initial recommendations, but also includes stakeholder feedback the Task Force has been receiving.

Member Hansen voiced that the recommendations do not include Utah's special needs students, and they need to be college and career ready as well. She indicated she is not in favor of passing the resolution until it is inclusive of all our students. She expressed that it is not reasonable to have a requirement that requires the most severe students to accomplish a specific score on the ACT.

Member Cummins also expressed concern that all students have access to classes that will prepare them for the ACT and accommodations for those classes.

MOTION was made by Member Cummins and seconded by Member Moss that the Board adopt USBE Resolution 2016-5, *A Resolution Establishing the Official Position of the Utah State Board of Education on Principles for a New Accountability System*.

Motion carried, with Members Hansen and Warner opposed; Members Castle, Johnson and Stokes absent.

MOTION TO RECONSIDER was made by Member Cummins and seconded by Member Huntsman.

Motion to reconsider carried.

Dr. Nye distributed an updated draft resolution and reviewed changes that provide more inclusiveness.

MOTION was made by Member Hansen and seconded by Member Corry that the Board approve Resolution 2016-5, as amended.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-574.]

Board Legislative Priorities

Deputy Superintendent Stallings reviewed motions the Board has passed concerning changes in legislation it will request during the upcoming legislative session: 1) Giving the Board authority to opt in or out of services under the Department of Administrative Services and Department of Human Resource Management; 2) giving the Board authority to have more flexibility in the policy functions relating to its employees, such as pay ranges, career service, hiring, training, and evaluation procedures; 3) removing the application date for service on UPPAC; 4) eliminating the accreditation requirement; 5) repurposing the appropriation set aside for ACT prep; 6) implementing the Charter School Task Force recommendations; 7) implementing Resolution 16-5 on accountability; 8) supporting a pilot for elementary counseling.

Deputy Superintendent Jones reported on revenue projections for FY 18 and the Governor's budget request.

MOTION was made by Vice Chair Johnson and seconded by Member Castle that the Board move the USDB Utah County building to No. 1 on the one-time funding priorities list.

Motion carried with Members Allen, Castle, Crandall, Cummins, Hansen, Huntsman,

Johnson, Warner and Wright in favor and Members Belnap, Corry and Thomas opposed; Members Moss and Stokes absent.

[For additional details, see General Exhibit No. 16-575.]

Superintendent's Report

Superintendent Dickson gave a presentation on the Board's Strategic Plan imperative of Equity. Dr. Dickson also discussed leadership in high functioning organizations and strategic design. [For additional details, see General Exhibit No. 16-576.]

Standing Committee Reports

AUDIT COMMITTEE

Committee Chair David Thomas presented the following actions from the Audit Committee.

MOTION from Committee that the Board approve the Audit Plan, as amended.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-577.]

MOTION from Committee that funds from the School Children's Trust be distributed on a monthly basis beginning in July 2017.

Motion carried, with Member Belnap opposed; Members Moss and Stokes absent.

MOTION from Committee that the funds from the School Children's Trust be distributed as part of the MSP automation.

Motion carried; Members Moss and Stokes absent.

LAW AND LICENSING COMMITTEE

Committee Member Linda Hansen reported on the following items from the Committee.

Approval of Minutes

The Committee approved the minutes of its November 3, 2016 meeting. [For additional details, see General Exhibit No. 16-578.]

Taxing Entity Committee to the Clearfield Community Development and Renewal Agency of the City of Clearfield for the ATK Economic Development Project Area Plan Amendment

The Clearfield Community Development and Renewal Agency (CDRA) of the City of Clearfield is seeking to modify the TEC resolution of the ATK Economic Development Project Area to officially change the name of ATK to Orbital ATK and remove two parcels from the project area and replace them with two parcels owned by Orbital ATK.

MOTION from Committee that the Board approve the TEC resolution and direct its representative to the TEC to vote in favor of the TEC modifications as presented.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-579.]

Taxing Entity Committee to the Brigham City Redevelopment Agency (RDA) for the West Forest Street Economic Development Agency (EDA)

The Brigham City RDA is proposing an amendment to the budget for the West Forest Street EDA that would allow the agency to collect a portion of the increment from new development using 2016 as a base year, beginning in 2018.

MOTION from Committee that the Board approve the amendment to the budget for the West Forest Street EDA and direct the Board's representative to the Taxing Entity Committee to vote in favor of the amendment.

Motion carried, with Vice Chair Johnson opposed; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-580.]

Concurrent Enrollment Report

The Committee received a report from staff as required in statute regarding the Concurrent Enrollment program. [For additional details, see General Exhibit No. 16-581.]

The Committee directed staff to work with the Board's Advisory Committee on Equity of Educational Services for Students (ACEESS) to prepare a plan that aligns with the Education Elevated program to encourage increased participation in concurrent enrollment among all ethnicity of participants. It is the intent the plan will come to the committee in March.

Paraeducators in Title I Schools in Improvement Report

The Committee received the annual report prepared for the legislative Education Interim Committee. [For additional details, see General Exhibit No. 16-582.]

Enhancement of Accelerated Programs Report

The Committee received the annual report prepared for the legislative Education Interim Committee. [For additional details, see General Exhibit No. 16-583.]

R277-114 *Corrective Action and Withdrawal or Reduction of Program Funds*

State statute allows the Board to audit a local education agency's use of public education funding and take corrective action against an LEA for misuse of funds. The Committee reviewed amendments to R277-114 to provide additional methods of corrective action and provide an LEA an opportunity to appeal or address the Board. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve R277-114 *Corrective Action and Withdrawal or Reduction of Program Funds*, as amended, on second reading.

MOTION TO AMEND was made by Member Castle and seconded by Vice Chair Johnson that the Board approve the rule on second and final reading and direct staff to file the rule with the Office of Administrative Rules.

Motion to amend carried.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-584.]

R277-613 LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training

The Committee postponed this item to provide time for more input.

R277-801 Services to Students with Sensory Disabilities

As directed by the Committee in its October meeting, staff prepared a rule to replace portions of the Interagency Agreement between the Board's Special Education Section, local education agencies, and the Utah Schools for the Deaf and the Blind. The Committee reviewed the new rule and made additional amendments. The Committee approved the rule, as amended, on first reading.

MOTION from Committee that the Board approve new rule R277-801 *Services to Students with Sensory Disabilities* on second reading.

USDB Superintendent Joel Coleman explained that USDB's request in the rule is to have the districts notify them before September 1 if they need any additional FTEs for orientation mobility services. By doing so, he would be able to submit an increased FTE request to the legislature. This requirement doesn't mean the school would decline providing those services, but would allow USDB to include the increase in its legislative request.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-585.]

Educator Ethics Exam

It was reported that a motion failed in Committee that would make the exam more interactive and the Committee took no action on this item.

MOTION was made by Vice Chair Johnson and seconded by Member Belnap that the Board request the legislature to appropriate funding from the licensing fees for the educator ethics exam.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-586.]

R277-915 Work-based Learning Programs for Interns

The Committee reviewed proposed amendments to R277-915 to update terminology, move provisions regarding Work-based Learning from R277-916 to this rule, and provide technical and conforming changes. The Committee approved the rule on second reading.

MOTION from Committee that the Board approve amendment to and continuation of R277-915 *Work-based Learning Programs for Interns* on third and final reading.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-587.]

R277-487 Public School Data Confidentiality and Disclosure

It was reported that currently, data maintained by the state, school districts, schools and other public education agencies or institutions in the state, including data provided by contractors, may not be sold or used for marketing purposes regardless of whether the data are publicly available.

The Committee discussed whether the prohibition not to sell data should be limited to personally identifiable data and aggregate data not protected by disclosure avoidance techniques that are maintained by the entities listed above, including data provided by contractors.

The Committee provided feedback to staff who will continue to work on updating R277-487 to be presented in a future meeting. [For additional details, see General Exhibit No. 16-588.]

Board Policy 1004 - Advisory Groups

The Board's Advisory Committee Review Task Force has over the past several months reviewed its own advisory groups and other groups advisory to the Board. At the recommendation of the Task Force a policy has been created outlining the appointment process, meeting requirements, communications and review of all groups advisory to the Board.

MOTION from Committee that the Board approve Board Policy 1004 - Advisory Groups.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-589.]

Board Policy 3001 - Appointment, Evaluation and Termination of Deputy, Associate and Assistant Superintendents

The Committee reviewed amendments to the policy to: 1) allows the Superintendent to designate a member of the superintendency to be in charge while the Superintendent is out of the office; 2) provides that the Deputy Superintendent of Student Achievement acts as the Superintendent if the Superintendent is unexpectedly out of the office or unavailable; 3) directs that if the Deputy Superintendent of Operations separates from employment with the Board, the Superintendent is required to appoint an interim Deputy Superintendent of Operations until the Board appoints a new Deputy.

MOTION from Committee that the Board approve Board Policy 3001, as amended.

Motion carried; Members Moss and Stokes absent. [For additional details, see General Exhibit No. 16-590.]

STANDARDS AND ASSESSMENT COMMITTEE

Approval of Minutes

The Committee approved the minutes of its November 3, 2016 meeting. [For additional details, see General Exhibit No. 16-591.]

R277-717 High School Course Grading Requirements

The Committee reviewed new rule R277-717 and made amendments as outlined in Revision 1. The Committee approved the rule on first reading.

MOTION from Committee the Board approve new rule R277-717 *High School Course Grading Requirements* Revision 1 on second reading.

Motion carried; Members Johnson, Moss and Stokes absent. [For additional details, see General Exhibit No. 16-592.]

Enhancement for At-risk Students Report

The Committee reviewed the report prepared for the Education Interim Committee.
[For additional details, see General Exhibit No. 16-593.]

The Committee requested that all future legislative reports include a cost-benefit analysis showing the cost per student and how many students are the program.

Digital Teaching and Learning Qualified Grant Plan Approval

Staff presented information on the grant approval process. The Board approved six applications last month that have not received full/final approval. The applications presented this month have been reviewed and given additional comments to assist in strengthening the applications.

Senator Howard Stephenson provided the committee with concerns about provisionally approving applications and that applications were not robust enough and still need considerable work to be ready.

MOTION from Committee that the Board provisionally approve the 61 full Digital Teaching and Learning Grants and seven planning grants presented with the provision that no money will be given out until the Board has approved the final work product of applicant.

Terry Shoemaker, Executive Director of the Utah School Superintendents Association, was invited to comment. Director Shoemaker reported that there has been a significant effort on the part of school districts to comply with the law.

Motion carried; Members Johnson and Moss absent. [For additional details, see General Exhibit No. 16-594.]

Early Intervention Program Annual Report

The Committee received the legislative report that was prepared for the Education Interim Committee and gave direction on changes. [For additional details, see General Exhibit No. 16-595.]

Social Studies Standards Revisions

The Committee reviewed the revised standards. It was noted that all changes requested by the Board have been made.

MOTION from Committee that the Board approve the revised Secondary Social Studies Standards.

Motion carried; Member Moss absent. [For additional details, see General Exhibit No. 16-596.]

Educator Peer Assistance and Review Pilot Program (PAR) Report

The Committee was provided with the report. [For additional details, see General Exhibit No. 16-597.]

Accreditation

Assistant Superintendent Patty Norman presented information to the Committee regarding accreditation. An accreditation survey went out yesterday and will be reviewed in a future meeting. It was requested that Rule R277-410 *Accreditation of Schools* also come to the Committee for amendment. [For additional details, see General Exhibit No. 16-598.]

Career and Technical Education Courses and Credit

The Committee reviewed information concerning the Career and Technical Education courses and credit, including course lists for the next school year.

The Committee requested that the item be brought back in January.

Vice Chair Johnson noted that this is one of many items that need to be Board-approved yearly.

MOTION was made by Vice Chair Johnson and seconded by Member Huntsman that staff create a calendar for tracking items needing Board approval.

Motion carried; Member Moss absent. [For additional details, see General Exhibit No. 16-599.]

Digital Studies

The Committee received information regarding the digital studies high school graduation requirement and recommendations from the Board's Digital Studies Task Force. The Task Force members agreed that the credit should continue and that a list of courses to be used for the credit is needed. The Task Force recommended six courses.

MOTION from Committee that the Board approve the creation of a competency-based rubric to come back to the Standards and Assessment Committee for review.

MOTION TO AMEND was made by Member Cummins and seconded that a second rubric be created for teachers to submit courses for approval.

Without objection the motion was amended.

Motion carried; Member Moss absent. [For additional details, see General Exhibit No. 16-600.]

The Committee asked that an item on digital literacy be brought to the Committee to determine whether it should be required.

Parent Engagement: Home Visits and Academic Parent Teacher Teams

The Committee received information from staff on the parent engagement efforts in turnaround schools.

MOTION from Committee that the Board approve funding for parent engagement efforts for schools in the turnaround program based upon the availability of funds.

MOTION TO AMEND was made by Vice Chair Johnson and seconded by Member Warner that the Board direct staff to bring back a budget for the next three years for school turnaround that would include the home visits.

Without objection the motion was amended.

Motion carried; Member Moss absent. [For additional details, see General Exhibit No. 16-601.]

R277-920 Implementation of the School Turnaround and Leadership Development Act

The Committee took no action on the rule as members felt further research and discussion was needed.

Diploma Options for Students with Disabilities

This item will come back to the Committee in January.

Academic Standards

The Committee reviewed information on the statute that establishes core standards for Utah public schools and discussed whether the name, “core standards” should be changed. No action was taken.

Alternate Assessment for Students with the Most Significant Cognitive Disabilities

The Committee directed staff to do additional research and bring this item back to the Committee in January.

Information regarding College Entrance and ACT vs. SAT

The Committee deferred this item to its January meeting.

Core Standards for Utah Public Schools

The Committee reviewed the legislative report prepared for the Education Interim Committee. [For additional details, see General Exhibit No. 16-602.]

FINANCE COMMITTEE

Committee Chair Jennifer Johnson reported on the following items from the Committee.

Approval of Minutes

The Committee approved the minutes of its November 3, 2016 meeting. [For additional details, see General Exhibit No. 16-603.]

Charter School Revolving Loans for Bonneville Academy and Ivy Preparatory Academy

Requests for loan awards recommended by the Charter School Revolving Loan Committee were presented. [For additional details, see General Exhibit No. 16-604.]

MOTION from Committee that the Board approve a loan from the charter revolving loan account to Bonneville Academy in the amount of \$300,000.

Motion carried; Member Moss absent.

MOTION from Committee that the Board approve a loan from the charter revolving loan account for Ivy Preparatory Academy in the amount of \$300,000.

Motion carried; Member Moss absent.

Section Budget Reports

The Committee received budget reports from the Child Nutrition Programs, Career and Technical Education (CTE), and School Children's Trust sections. [For additional details, see General Exhibit No. 16-605.]

Career and Technical Education Maintenance of Effort (MOE)

The Committee reviewed information regarding the Maintenance of Effort for the federal Perkins grant. Falling below the MOE requirement would result in a financial penalty.

The Committee reviewed courses of action concerning MOE for the Perkins grant including: 1) Maintain current levels of MOE for FY2015, FY2016 and FY2017 and reduce local contributions in FY2018. Continue to expend the Perkins grant; 2) apply for a one-time reduction in MOE for one year; 3) reduce the MOE by a determined percentage by reducing the local match requirement; and 4) stop accepting the Perkins grant.

MOTION from Committee that the Board approve maintaining the CTE Maintenance of Effort for FY2015, FY2016, and FY2017 in order to reduce the local contributions in FY2018.

Motion carried. [For additional details, see General Exhibit No. 16-606.]

Indirect Cost Pool Update

It was reported that Indirect Cost Pool (ICP) rates for current fiscal year for receiving reimbursements have been approved by the U.S. Department of Education. The unrestricted rate was set at 25.4 percent and the restricted rate at 14.5 percent. This is far more than what was budgeted and opens up a budget shortfall.

MOTION from Committee that the Board direct staff to consult with the Department of Education to determine if the \$400,000 ICP carryforward can be used; to use \$300,000 from the recent reduction in force; to look at reductions in programs or staff in sections; and as a last resort, to use the \$350,000 in licensing fees to cover the estimated \$1.5 million shortfall.

Motion carried; Member Moss absent. [For additional details, see General Exhibit No. 16-607.]

Minimum School Program Mid-year Update Status and Final FY 2018 Budget Numbers

Staff presented information to the Committee regarding the Minimum School Program and enrollment figures submitted. Staff asked for direction on to handle over-enrollment in charter schools. [For additional details, see General Exhibit No. 16-608.]

MOTION from Committee that the Board approve funding charter schools that have enrolled over the cap and for the associated administrative caps.

MOTION TO AMEND was made by Member Belnap and seconded by Member Hansen that the Board allow the funding for this fiscal year only.

Without objection, the motion was amended.

Motion carried; Member Moss absent.

Report on October 1 Headcount and Year-end Membership Annual Agreed Upon Procedure Reports

This item was referred to January meeting.

Update on Charter School Loan Writeoff Process

It was reported that the loan has been referred to the Office of State Debt Collection.

Requested Board Resolution Regarding USB E Support for the Use of the Volkswagen Settlement Funds

It was reported that the State of Utah is projected to receive approximately \$32.3 million in one-time, restricted funds from the Volkswagen Corporation to be used for improving air quality. Questar Gas has approached Board employees to recommend drafting a resolution to use this money for the replacement of LEAs' diesel buses.

MOTION from Committee that the Board direct staff to prepare a resolution to request that no less than \$20 million of the potential \$32.3 million allocated from the Volkswagen settlement be used for the replacement of LEA diesel buses.

Motion carried; Member Moss absent.

Grants Compliance Officer Quarterly Report

Compliance Officer Jacob Jorgensen summarized for the Board the report he gave to the Committee. He reported that the office currently has 22 different systems handling grant compliance, standard policies and procedures for grant compliance across the agency are not in place, and improvement in communication between administration and staff regarding grants is needed.

Efforts are being made to control grant compliance through implementing new systems and preparing for additional systems. [For additional details, see General Exhibit No. 16-609.]

Board Leadership Elections

As provided in statute, the eight Board members-elect (Jennifer Graviat, Carol Lear, Janet Cannon, Kathleen Riebe, Lisa Cummins, Alisa Ellis, Scott Neilson, Michelle Boulter) were invited to come to the table to vote on Board leadership for 2017 in place of the outgoing members. [For additional details, see General Exhibit No. 16-610.]

Motion was made by Member Stokes and seconded by Member Warner that the Board elect three vice chairs.

Motion carried, with Michelle Boulter, Brittney Cummins, Lisa Cummins, Alisa Ellis, Linda Hansen, Mark Huntsman, Scott Neilson, Spencer Stokes, Terryl Warner and Joel Wright in favor, and Laura Belnap, Carol Lear, Janet Cannon, and Kathleen Riebe opposed.

Election of Chair

It was announced that Linda Hansen and Mark Huntsman were nominated for Board Chair.

Nominations from the floor were opened.

MOTION was made by Laura Belnap and seconded by Lisa Cummins that the nominations be closed.

Each candidate spoke and votes were taken by ballot.

Mark Huntsman was elected as Board chair, with a 10-5 vote.

First Vice Chair Election

It was announced that Brittney Cummins, Alisa Ellis and Terryl Warner were nominated for vice chair.

Nominations for vice chair were opened. Joel Wright nominated Linda Hansen and Carol Lear nominated Kathleen Riebe.

MOTION was made by Laura Belnap and seconded by Mark Huntsman that the nominations be closed.

Each candidate was invited to speak.

On the first ballot for first vice chair the following votes were received: Brittney Cummins-2; Alisa Ellis-4; Terryl Warner-5; Linda Hansen-1; Kathleen Riebe-3. With no candidate receiving eight votes, the top three went on a second ballot.

On the second ballot the following votes were received: Alisa Ellis-4; Kathleen Riebe-4; Terryl Warner-7. With no candidate receiving eight votes, a third vote was taken.

On the third ballot the following votes were received: Alisa Ellis-2; Terryl Warner-11; Kathleen Riebe-2.

Terryl Warner was elected first vice chair.

Second Vice Chair Election

On the first ballot for second vice chair, the following votes were received: Brittney Cummins-4; Alisa Ellis-5; Linda Hansen-2; Kathleen Riebe-4. With no candidate receiving eight votes, the top three went on the second ballot.

On the second ballot the following votes were received: Brittney Cummins-13; Alisa Ellis-1; Kathleen Riebe-1.

Brittney Cummins was elected second vice chair.

Third Vice Chair Election

On the first ballot for third vice chair the following votes were received: Alisa Ellis-7; Kathleen Riebe-4; Linda Hansen-4. With no candidate receiving eight votes, a second vote was taken.

On the second ballot for third vice chair the following votes were received: Alisa Ellis-8; Kathleen Riebe-2; Linda Hansen-6.

Alisa Ellis was elected third vice chair.

Finance Committee Report - Continued

Update on the Voluntary Closure of Aristotle Academy Charter School

The State Charter School Board accepted the voluntary closure plan of Aristotle Academy in its November 2016 meeting. The Finance Committee received information from Assistant Superintendent Natalie Grange that a review of the school is being conducted before the school closes to make sure there are no compliance issues.

Professional Practices Restricted Sub-fund Report

The Committee received the annual sub-fund report prepared for the Public Education Appropriations Subcommittee. [For additional details, see General Exhibit No. 16-611.]

Review and Prioritization of Information Technology Projects

The Committee reviewed a list of projects on which the Information Technology Section is currently working. Vice Chair Johnson requested that the superintendency complete a risk prioritization of the IT projects and bring back to the Committee in January.

R277-417 Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation

Staff reviewed proposed amendments to the rule to make sure it aligns with the Board's intent at the time the rule was passed. Amendments include a change that devices purchased for the student by a third party provider will remain the property of the LEA; also, if an LEA chooses to contract with a third party provider, the provider would need to comply with the law in the same manner as an LEA.

The Committee amended line 93 as follows: "(a) establish monitoring *and compliance* procedures to ensure . . ." The Committee approved R277-417, as amended, on first reading with a 3-1 vote.

MOTION from Committee that the Board approve R277-417 *Prohibiting LEAs and Third Party Providers from Offering Incentives or Reimbursements for Enrollment or Participation*, as amended, on second reading.

Motion carried; Members Belnap, Hansen, Huntsman, and Moss absent. [For additional details, see General Exhibit No. 16-612.]

R277-419 Policy Considerations

Internal Audit Director Debbie Davis reviewed with the Committee concerns regarding ambiguity in the rule. [For additional details, see General Exhibit No. 16-613.]

An information request was made by Member Huntsman that a copy of the 2014 distance and online audit and a checklist of what has and hasn't been addressed be provided to the Committee prior to the Committee taking action.

R277-702 Procedures for the Utah High School Completion Diploma

The Committee reviewed proposed amendments to R277-702 including removing references to specific vendors and including a more generic description of the high school equivalency exam.

The Committee approved and continued the rule, as amended, on first reading.

MOTION from Committee that the Board amend and continue R277-702 *Procedures for the Utah High School Completion Diploma* on second reading.

Motion carried; Members Belnap, Hansen, Huntsman, and Moss absent. [For additional details, see General Exhibit No. 16-614.]

R277-118 Board of Education Revolving Door Restrictions

The Committee reviewed new rule R277-118 and made an amendment to line 19 to read: "Board employee *does not include* a board member . . . " The Committee approved the rule, as amended, on first reading.

Assistant Attorney General Mike Bell reviewed the rule with the Board, indicating it is patterned after the federal revolving door statute. He clarified that it is not a non-compete rule.

MOTION from Committee that the Board approve new rule R277-118, as amended, on second reading.

Motion carried; Members Belnap, Hansen, Huntsman, and Moss absent. [For additional details, see General Exhibit No. 16-615.]

Board Policy 1005 - Pre-Separation and Pre-Retirement Restrictions

MOTION from Committee that the Board approve Board Policy 1005.

Motion carried; Members Belnap, Hansen, Huntsman, and Moss absent. [For additional details, see General Exhibit No. 16-616.]

Data and Information Requests

A list of data and information requests from the Committee was provided to Board members.

Board Member Comments

Member Cummins thanked outgoing Board members for their patience and mentoring. She expressed that she has very much enjoyed getting to know them and thanked them for their service.

Adjournment

MOTION was made by Vice Chair Thomas and seconded that the meeting adjourn.

Motion carried. The meeting adjourned at 5:46 p.m.

Lorraine Austin, Board Secretary
Minutes approved January 13, 2017